

**In the United States District Court
for the Southern District of Georgia
Brunswick Division**

FILED
U.S. DIST. COURT
BRUNSWICK DIV.

2006 JAN 26 P 4 29

CLERK *[Signature]*
S. DIST. OF GA.

UNITED STATES OF AMERICA, : CRIMINAL ACTION
v. :
ANTHONY BERNARD BROWN, :
Defendant. : NO. CR297-35

O R D E R

Brown, anticipating that the Supreme Court will make the rule announced in United States v. Booker, 543 U.S. 220 (2005), retroactive in application, has filed a notice to preserve his right to collaterally attack his sentence under this precedent. Such preservation is unnecessary. Should the Supreme Court declare that Booker so applies, Brown may renew his motion. Brown's motion is **DISMISSED** as being not ripe for adjudication. Dkt. No. 99.

SO ORDERED, this 26th day of January, 2006.

Anthony J. Alamo
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA